

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**1:07CR106**

**and**

**1:08cr115-1**

**UNITED STATES OF AMERICA,**

**Vs.**

**BARRON SLOAN HENDERSON.**

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**ORDER**

**THIS MATTER** is before the court upon counsel for defendant's Motion to Withdraw (#159) filed in 1:07CR106 and Motion to Withdraw filed in 1:08cr115-1 (#24), which were heard in a consolidated proceeding on July 2, 2009.

In accordance with Rule 1.16 of the North Carolina Rules of Professional Conduct, Mr. Cheshire has moved to withdraw from further representation of defendant in these matters. In accordance with RPC 1.16, and with defendant's concurrence, the court allowed such motion in open court.

After allowing counsel to withdraw, the court advised defendant of the impending appellate deadline that had been enlarged by the district court in 1:08cr115-1, and defendant requested that counsel be appointed. Upon review of a financial affidavit tendered by defendant, the court determined that while defendant had substantial funds when these actions commenced and could then retain counsel, such affidavit indicated that his assets were subject to forfeiture and that he had no

present income, making him now unable to afford counsel. The court finds defendant eligible for appointment of counsel. Inasmuch as the panel of attorneys for this district has been exhausted in this and related cases, the public defender has recommended that she be allowed to go outside the panel to secure the services of Amos Tyndall of the Orange County Bar. Based on such attorney's experience and qualifications, the court approves and allows the appointment of Mr. Tyndall in this case.

The United States Marshal has been respectfully requested to retain defendant in the district for two weeks to accommodate Mr. Tyndall meeting with his client.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that defendant's Motion to Withdraw (#159) filed in 1:07CR106 and Motion to Withdraw filed in 1:08cr115-1 (#24) are **ALLOWED**, Mr. Cheshire and his firm are **RELIEVED** from further representation of defendant in this matter, and **AMOS TYNDALL** of the Orange County Bar is, upon recommendation of the Federal Public Defender, **APPOINTED** and **APPROVED** to represent defendant in these matters.

Signed: July 2, 2009

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

